

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 17-M- 21

Shane Aurand

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 13, 2017, in the Western District of New York, the defendant violated Title 18, United States Code, Section 2251(a) and 2252A(a)(2)(A), offenses described as follows:

knowing use of a person less than 18 years old with the intent that such person engage in sexually explicit conduct as defined in Title 18 U.S.C. Section 2256 for the purpose of producing a visual depiction of that person engaging in such conduct using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, and

knowing distribution of material which contained images of child pornography, as defined in Title 18, U.S.C. Section 2256(8), that have been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means including computer.

This Criminal Complaint is based on these facts:

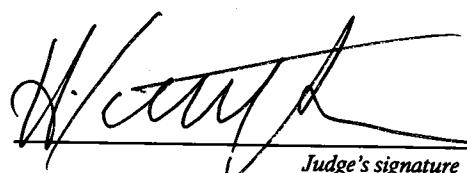
Continued on the attached sheet.



Complainant's signature

RANDALL E. GARVER
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title



Judge's signature

H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

City and State: Buffalo, New York

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I. INTRODUCTION

I, RANDALL E. GARVER, after being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation and entered on duty in May 2006. I am currently assigned to the Buffalo Field Office and work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **SHANE AURAND** ("AURAND"), with violations of Title 18 U.S.C. Sections 2251(a) [Production of Child Pornography] and 2252A(a)(2)(A) [Distribution of Child Pornography].

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers in this investigation, and upon my training and experience as a Special Agent of the Buffalo FBI. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that AURAND knowingly violated Title 18, United States Code Sections 2251(a) and 2252A(a)(2)(A).

II. PROBABLE CAUSE

4. On March 14, 2017, I was made aware that a FBI Task Force Officer (TFO) assigned to Washington (DC) Field Office (WFO) engaged in a chat session over the Kik application (“app”) with an individual who resides in the Western District of New York. The Kik app can be downloaded to mobile devices (cell phones, tablets, etc) and allows users to communicate via text message and send photographs and videos using wireless service provided by telephone services providers (Verizon, AT&T, etc) or WiFi (typically obtained through internet service providers such as Time Warner Cable). WFO informed Buffalo that their chat was sexual in nature and that the individual in WDNY, identified as AURAND, possessed and distributed child pornography. The WFO TFO acted in an online undercover capacity (hereinafter “UC”) as part of a Child Exploitation Task Force. As part of these duties, the UC maintains a profile in at least one photo-sharing website that based on the UC’s experience is a place where individuals seek to trade self-produced images of child pornography as well as general child pornography. The UC will pass along an email address and Kik screen name when individuals approach him (online).

5. On Friday March 3, 2017, at approximately 3:52pm EST the UC received an email message from an individual using the email name, "hollywoodawesome5@gmail.com" with a display name of "Shane Aurand" subsequently identified as AURAND. The subject line was titled, "Trade" with a message of, "Hey your daughter is real? It's hard to find real parents lol everyone keeps making fakes". The following is a transcript of the email conversation between the UC and Aurand:

UC: yes she is and I can prove, what about you?

Aurand: I do she is 1 month old tho lol and I can prove it

UC: Nice!! Mine is 9. What is your kik ? that is where I go to do this its a lot easier.

Aurand: Greens420alltheway lol

Aurand: It will have a picture of a stuffed bear

UC: cool, just sent you a message

6. On Friday March 3, 2017, at 4:18pm EST the UC sent Aurand a private Kik message stating, "Hey this is John from email". The following is a portion of the chat:

Aurand: Hey so you don't mind shes real young? I know some guys aren't into it lol they like them little older.

UC: Love that so totally cool, what all have u done so far. And your right there are a lot of fakes

Aurand: Nothing yet just waiting for a good moment still new to the parent thing and having a little girl around at all times now haha.

7. During the course of the chat AURAND stated that he resided with his girlfriend and infant daughter in New York. AURAND stated that he could "play" with his daughter and take pictures of her if he received the same in return. AURAND stated, "I got plenty of other different kinds". The UC sent AURAND a clothed image depicting his purported 9 year-old daughter (not a real child). AURAND sent the UC a clothed image of his infant daughter. The chat ended on March 3, 2017 at approximately 5:31pm. No further communication occurred until Monday March 13, 2017.

8. On Monday March 13, 2017, AURAND sent the UC a private Kik message stating, "Heyy". The UC responded and began communicating with AURAND. During the course of the chat AURAND stated that two weeks ago his girlfriend babysat a neighbor's 7 year-old girl. AURAND stated that he put a sleeping pill in her drink and molested her once she was asleep. AURAND stated that he rubbed her vagina and took a video and pictures of the abuse. AURAND sent the UC images of the purported 7 year-old. The following is a description of what AURAND sent:

1. An image of what appears to be male's fingers pulling down the pants and underwear of a prepubescent child exposing her vagina.
2. Another image depicting what is described above but from a different angle. The child's vagina is exposed.
3. Another image depicting same child with a what appears to be a male hand pulling the child's pants and underwear down exposing the top of her vagina.
4. An image depicting the same child, her pants and underwear are being pulled down exposing the top of her vagina.
5. An image depicting the same child, her pants and panties are being pulled down exposing her vagina.

9. In some of the pictures described above there is purple cloth that is in the background of the image. The UC asked AURAND to take a live picture of that same sheet holding up 3 fingers to prove that his pictures were original. AURAND stated that he was at work but would have his girlfriend take the live picture for him. A few minutes later AURAND sent the UC an image of what appears to be a female hand holding up 3 fingers in front of a purple blanket. The blanket looks similar to the one that is seen in the photos depicting the child. The UC asked, " That's a good plan, how did u talk her into letting u play with the neighbor kid". AURAND responded, " She didn't really know her and she said as long as I don't do anything real stupid to get caught.. aka which is why I only got what I got you know what I mean? Lol ." The UC asked AURAND about his daughter, and he responded, " I only played with her pussy a little I like them like around your daughters age better lol."

10. On March 14, 2017, an emergency disclosure request was sent to Kik for subscriber information and IP logs associated with username greens420alltheway. Kik's response provided an (unconfirmed) email address of hollywoodawesome5@gmail.com, a display name of Shane Aur and IP logs between February 12 and March 14, 2017. Examination of the IP logs provided indicated that greens420alltheway primarily accessed his account via Verizon Wireless IP addresses. The most recent non-wireless IP address identified was a Verizon Internet Services IP address (173.64.57.198) used between March 11 and March 14, 2017.

11. An emergency disclosure request was sent to Verizon for subscriber and physical service address information associated with the identified IP address. Verizon's response identified the subscriber as Iroquois Smokeshop, at 14411 Route 438, Gowanda NY 14070.

12. Upon receipt of this information, WFO used available open source and law enforcement databases to identify the suspected user of Kik account greens420alltheway as AURAND. Review of law enforcement databases provided information that in 2014, AURAND was investigated by the New York State Police for child pornography possession. As AURAND was a minor at the time, no record of this investigation is documented in an NCIC criminal record.

13. A Facebook page AURAND shares with his identified girlfriend was identified and the photographs were examined. The photographs on the page confirmed that AURAND had a child with this girlfriend at the beginning of February and they were currently residing in Gowanda, New York.

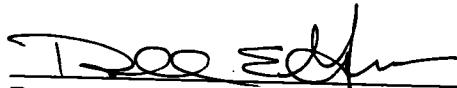
14. On March 14, 2017, a colleague and I interviewed AURAND at his residence in Gowanda. During the interview, AURAND said that he began viewing child pornography around one year ago and prefers girls 12 or 13 years old, though he has obtained images of girls as young as 6. AURAND said he obtained the images from groups on Kik and from the image sharing website that the UC maintains a profile on. Regarding the pictures discussed herein, AURAND said that he and his girlfriend occasionally babysit the

7 year old girl next door. The girl must take a medicine that puts her into a deep sleep within about an hour of taking it. A few weeks ago, the girl stayed over at their residence and was to sleep on the couch. As AURAND's girlfriend slept, AURAND left his bedroom and approached the girl. He pulled the girl's underwear down and took several pictures of her vagina. He sent the pictures to the UC's Kik account. AURAND said he never "drugged" the girl – her medicine put her into a deep sleep. AURAND also told the FBI that he never molested his six week old baby. He said his statement to the contrary was just his trying to give himself more credibility to the UC. AURAND said his girlfriend is not aware of these pictures or the sexual abuse in any way. He said the UC asked about a picture with the purple sheet for validation. AURAND knew there was a purple blanket the victim slept with, but showed the FBI that the purple in the pictures was on the victim's clothing. Notwithstanding, AURAND had his girlfriend take a picture of her three fingers over the blanket and send it to him to validate his access to a child to the UC. The girlfriend did not understand why she was asked to take the picture. AURAND viewed several pictures and positively identified himself as the individual who took the images and sent them to the UC.

15. Also on March 14, 2017, FBI Agents interviewed the mother of the 7 year old child discussed above. The mother positively identified the pictures as being her daughter (there was a picture of the child's face sent as well) and recognized the clothing in the images. The mother turned the clothing over to the FBI.

CONCLUSION

16. Based upon the foregoing, I respectfully submit that I have probable cause to believe that **SHANE AURAND** has violated Title 18, United States Code, Sections 2251(a) [Production of Child Pornography] and 2252A(a)(2)(A) [Distribution of Child Pornography].



RANDALL E. GARVER
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn before me,
this 17 day of March, 2017.



H. KENNETH SCHROEDER, JR.
United States Magistrate Judge